

**POINDEXTER SLOUGH FISHING ACCESS SITE
PARKING DEVELOPMENT PROJECT
ENVIRONMENTAL ASSESSMENT
DECISION NOTICE**

**Montana Fish, Wildlife & Parks
Region Three, Bozeman
August 2008**

Proposed Action

Montana Fish, Wildlife & Parks (FWP) proposes to improve parking facilities at the Poindexter Slough Fishing Access Site (FAS). The proposed project includes development of a new parking area, signage and fence repair north of Highway 91. In the future, if funding allows, a cattle guard will be added near the entry of the new parking lot as well as a new vault latrine.

The Poindexter Slough Fishing Access Site is located approximately 3 miles south of Dillon on Highway 91. The Poindexter Slough spring creek and the Beaverhead River run through this site. This site currently includes two parking areas, one on each side of the highway. The existing parking lot north of the highway is to the east of the railroad tracks, and the proposed project area is to the west of the tracks. The location of the existing parking lot to the north of the highway requires visitors to walk across the railroad tracks to access the water. The new parking lot will provide safer access to the water without trespassing across the railroad tracks. The proposed project includes establishing a new parking area, highway and regulation signage, and fence repair along the broken areas bordering the FAS property. The new lot will provide better direct access to the water.

The Union Pacific (UP) Railroad has posted no trespassing signs to keep people off their right-of-way and from crossing the tracks. However, people continue to cross the tracks in order to access the water. UP contacted FWP Enforcement staff and regional staff to address the trespassing and safety concerns for access at this site. The proposed new parking lot addresses the concerns by providing access to the water without trespassing across the railroad tracks. FWP may have to close the existing parking area at some point in the future.

Montana Environmental Policy Act

Montana Fish, Wildlife & Parks is required by the Montana Environmental Policy Act (MEPA) to assess significant potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, an Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on June 19, 2008.

Public comments on the proposed project were taken for 30 days (through July 21, 2008). The EA was mailed to 31 individuals and groups; legal notices were printed in the *Butte*

Montana Standard, Dillon Tribune and the Helena Independent Record, and the Draft EA was posted on the FWP webpage: <http://fwp.mt.gov/publicnotices/>

Summary of Public Comment

Four comments (three written and one phone call) were received on the proposed project.

Comment issue (#1 written comment): The proposed parking area will not be used because it is too far from the stream and is thus a waste of funding. The parking area should be closer to the stream. Didn't see a trail to the stream in the plan. Fishermen will continue to use the existing parking area. Unfortunately, the only people who will use the proposed parking area are midnight partiers, who will leave beer cans and trash on our land.

FWP response: The impetus for this project is the fact that people using the existing parking area are forced to walk along and cross the Union Pacific Railroad tracks to access the majority of Poindexter Slough Fishing Access Site property. This situation puts people at risk of being cited for trespass. The proposed new parking lot alleviates the trespass situation. In all likelihood, the existing parking area will be closed at some point in the future. The proposed new parking lot is located where it is for a number of reasons. First off, costs are reduced significantly by reducing the infrastructure at the fishing access site. Constructing the parking area close to the highway had the added benefit of reducing our long-term maintenance costs as well as keeping the parking area more visible. The parking area could have been moved as much as 700 feet farther into the site, but at that point wetlands would have prevented us from going any closer to the creek. As an agency, FWP resists crossing wetlands with roads and parking areas wherever feasible. Third, we find that if we locate parking lots that are readily visible from and in close proximity to the highway, vandalism and partying is greatly reduced or eliminated. There is, in fact, a trail to the creek. We would likely mow the trail a couple of times a year to make it more visible to the public. If trash is left in the parking lot (or on adjacent private property) by site users, an FWP caretaker will pick up the litter on his rounds. Poindexter has always been a walk-in site without vehicle access. This is a unique feature of the FAS, and it was not our intent to change that with the construction of this parking area. Constructing longer roads longer also increases the potential for invasive weeds to get transported further back into the site, and they increase the potential for unregulated off-road OHV use. Parking areas adjacent to the highway also make it much easier for wardens to monitor activities going on within the site.

Comment issue (#2 written comment): As a neighbor to the Poindexter Slough FAS, I have no problem with a new parking area but I think you need to get your weeds under control first.

FWP response: Noxious weed control at this site remains a priority issue, and FWP will continue to work with Beaverhead County weed control officials, private weed control contractors, and the neighboring landowners to take an integrated approach to weed management at this FAS.

Comment issue (#3 written comment): Our clients are concerned that the installation of additional public parking areas will only increase the pressure and the incidents of trespass, vandalism, and criminal endangerment arising from the frequent discharge of

firearms over private property. Our clients fail to understand how “...the proposed improvements should alleviate the need to trespass and cross railroad tracks to access water at the Poindexter Slough FAS north of Highway 91” as stated in the project’s Draft Environmental Assessment at page 3. This is particularly true given that the existing parking lots north and south of the highway will remain open. Furthermore, no assurances are provided that FWP game wardens or Beaverhead County law enforcement will make any effort to police the area for trespass nor respond in a speedy and meaningful manner to resident complaints.

Despite much language addressing concerns about public safety and trespass over the railroad tracks at the parking lot on the north side of the highway, the Draft EA does not address the trespass which regularly occurs south of the highway. We believe it is the duty of the Montana Department of Fish, Wildlife & Parks to consider and address the effects of both the current frequent trespass and private land owner complaints as well as the likelihood of increased pressure and complaints with the development of yet another fishing access site. Until our clients can be provided assurances of safety and meaningful law enforcement, they will remain opposed to the additional site.

FWP response: FWP recognizes that the existing parking area to the north of the highway will likely have to be closed at some point in the future. FWP will additionally, take measures to further educate site users about stream access laws and private property rights by posting informational and educational materials in all Poindexter Slough FAS parking areas. Wardens will continue to routinely patrol FWP fishing access sites and respond to private property trespass complaints as they have in the past.

Comment issue (#1 phone call): The failure to install a cattle guard with the initial project will create a hardship for the adjacent landowner who must move cows in and out of the pasture adjacent to the proposed FWP parking area.

FWP response: This issue can be mitigated by installing a cattle guard with the initial parking area construction project. FWP will find funding to install a cattle guard with the initial project.

Comment issue (#1 phone call): The entrance to the parking area should be moved to a different location so as not to conflict with the adjacent landowners’ ranching operation.

FWP Response: The proposed entrance location was chosen due to highway sight distance considerations caused by the railroad overpass and curves in the highway. A conversation with the Dillon Montana Department of Transportation official confirmed that no other site entrance location would meet highway safety standards.

Final Environmental Assessment for the Poindexter Slough Fishing Access Site Parking Area Development Proposal

There are no modifications necessary to the Draft Environmental Assessment based on public comment. The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

Decision

Based on the Environmental Assessment, public comment, and the need for providing parking and foot access to a substantial portion of the Poindexter Slough FAS, it is my decision to proceed with the parking area project which will include installation of a cattle guard at the entrance to the parking area.

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis and that an Environmental Impact Statement is not required.

Appeal

This project is subject to appeal which must be submitted to the FWP Director (Mr. Jeff Hagener, Director, Montana Fish, Wildlife & Parks, PO Box 200701, Helena, MT 59620-0701) in writing and postmarked within 30 days of the date on this decision notice. The appeal must specifically describe the basis for the appeal, explain how the appellant has previously commented to the department or participated in the decision-making process, and lay out how FWP may address the concerns in the appeal. If you have questions regarding this decision notice, please contact Jerry Walker, Regional Parks Manager at 406-994-3552.

Patrick J. Flowers
Region Three Supervisor
